

Attorney Docket No. 40018-0002
Serial No. 09/675,734

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Rejection – 35 U.S.C. § 102(b) over Al-Samadi et al.

The Office has rejected claims 1 and 4-7 under 35 U.S.C. § 102 (b) as being anticipated by Al-Samadi et al. (U.S. Patent No. 5,501,798) for the reasons listed on page 2 of the Office Action. Applicant respectfully traverses this rejection.

Independent claims 1, 7, and 28 currently recite a system for producing and treating potato process water comprising means for producing the potato process water and means for treating such water using at least one ultrafilter (UF) and at least reverse osmosis (RO) membrane. Independent claim 34 currently recites a system comprising means for making a potato mash, means for drying and flaking the potato mash, means for collecting the resulting potato process water, means for removing at least one suspended potato particulate in the potato process water, and means for removing at least one dissolved potato particulate in the potato process water.

The Office, however, has not substantiated that Al-Samadi et al. disclose each and every limitation in these claims. In particular, the Office has not shown that Al-Samadi et al. disclose any means for producing potato process water as recited in claims 1, 7, and 28. As well, the Office has not shown that Al-Samadi et al. disclose means for making a potato mash, means for drying and flaking the potato mash, or the means for collecting the resulting potato process water as recited in claim 34.

Accordingly, Applicant respectfully requests withdrawal of this ground of rejection over Al-Samadi et al.



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Rejection – 35 U.S.C. § 102(b) over Ladha et al.

The Office has rejected claims 1-3 under 35 U.S.C. § 102 (b) as being anticipated by Ladha et al. (U.S. Patent No. 4,000,065) for the reasons listed on page 2 of the Office Action. Applicant respectfully traverses this rejection.

Independent claims 1, 7, and 28 currently recite a system for producing and treating potato process water comprising means for producing the potato process water and means for treating such water using at least one ultrafilter (UF) and at least reverse osmosis (RO) membrane. Independent claim 34 currently recites a system comprising means for making a potato mash, means for drying and flaking the potato mash, means for collecting the resulting potato process water, means for removing at least one suspended potato particulate in the potato process water, and means for removing at least one dissolved potato particulate in the potato process water.

The Office, however, has not substantiated that Ladha et al. disclose each and every limitation in these claims. In particular, the Office has not shown that Ladha et al. disclose any means for producing potato process water as recited in claims 1, 7, and 28. As well, the Office has not shown that Ladha et al. disclose means for making a potato mash, means for drying and flaking the potato mash, or the means for collecting the resulting potato process water as recited in claim 34.

Accordingly, Applicant respectfully requests withdrawal of this ground of rejection over Ladha et al.



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Rejection – 35 U.S.C. § 102(e) over DeFrees

The Office has rejected claims 1 and 4-7 under 35 U.S.C. § 102 (e) as being anticipated by DeFrees (U.S. Patent No. 6,454,946) for the reasons listed on page 3 of the Office Action. Applicant respectfully traverses this rejection.

Independent claims 1, 7, and 28 currently recited a system for producing and treating potato process water comprising means for producing the potato process water and means for treating such water using at least one ultrafilter (UF) and at least reverse osmosis (RO) membrane. Independent claim 34 currently recites a system comprising means for making a potato mash, means for drying and flaking the potato mash, means for collecting the resulting potato process water, means for removing at least one suspended potato particulate in the potato process water, and means for removing at least one dissolved potato particulate in the potato process water.

The Office, however, has not substantiated that DeFrees discloses each and every limitation in these claims. In particular, the Office has not shown that this reference discloses any means for producing potato process water as recited in claims 1, 7, and 28. As well, the Office has not shown that DeFrees discloses means for making a potato mash, means for drying and flaking the potato mash, or the means for collecting the resulting potato process water as recited in claim 34.

Accordingly, Applicant respectfully requests withdrawal of this ground of rejection over this cited reference.



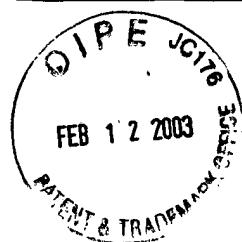
Rejection – 35 U.S.C. § 102(e) over Chiang et al.

The Office has rejected claim 1 under 35 U.S.C. § 102 (b) as being anticipated by Chiang et al. (51 Journal of Food Science 4 971-974) for the reasons listed on page 3 of the Office Action. Applicant respectfully traverses this rejection.

Independent claims 1, 7, and 28 currently recite a system for producing and treating starch-based (or white) potato process water comprising means for producing the potato process water and means for treating such water using at least one ultrafilter (UF) and at least reverse osmosis (RO) membrane. Independent claim 34 currently recites a system for making starch-based potato products comprising means for making a potato mash, means for drying and flaking the potato mash, means for collecting the resulting potato process water, means for removing at least one suspended potato particulate in the potato process water, and means for removing at least one dissolved potato particulate in the potato process water.

The Office, however, has not substantiated that Chiang et al. disclose each and every limitation in these claims. In particular, the Office has not shown Chiang et al. disclose the recited system for starch-based potato products. The potato products of Chiang et al. are sweet potatoes and are, therefore, sugar-based potatoes. The language “starch-based potato” was purposely chosen to distinguish this type of potato from sweet potatoes. Examples of such starch-based potatoes are listed in page 6 of the present specification.

Nevertheless, in an effort to expedite prosecution, Applicant has added claim 28 which uses the language white potato in place of starch-based potato. This language was selected because Chiang et al. differentiates the sweet potato from the white potato. *See Introduction, lines 1-2.* And the skilled artisan would understand that the potatoes listed on page 6 of the specification could be categorized as white potatoes.



Thus, the Office has not shown that Chiang et al. teach each and every limitations in the present claims. Accordingly, Applicant respectfully requests withdrawal of this ground of rejection over Chiang et al.

Rejection – 35 U.S.C. § 103

The Office has rejected claims 2-3 and 8-9 under 35 U.S.C. § 103 as being unpatentable over Al-Samadi et al. or the combination of DeFrees and Chiang et al. for the reasons listed on pages 4-5 of the Office Action. Applicant respectfully traverses this rejection.

As noted above, independent claims 1, 7, and 28 currently recited a system for producing and treating potato process water comprising means for producing the potato process water and means for treating such water using at least one ultrafilter (UF) and at least reverse osmosis (RO) membrane. Independent claim 34 currently recites a system comprising means for making a potato mash, means for drying and flaking the potato mash, means for collecting the resulting potato process water, means for removing at least one suspended potato particulate in the potato process water, and means for removing at least one dissolved potato particulate in the potato process water.

As noted above, the Office has not substantiated that Al-Samadi et al. or DeFrees teach a system with these recited limitations. Nor has the Office shown that the skilled artisan would have considered such a limitation obvious in light of the disclosure of Al-Samadi et al. or DeFrees. Indeed, in light of the systems proposed by Al-Samadi et al. or DeFrees, it is doubtful that the skilled artisan would have considered such limitations to have been suggested by their disclosures.

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Neither has the Office substantiated that Chiang et al. teach or suggest a system dealing with producing or treating starch-based (or white) potatoes. And the Office has not provided any reason to modify the teachings of Chiang et al. to obtain such a system. And since the Office has not shown that Chiang et al. teach or suggest this claimed limitation, the Office cannot show that it would have been obvious to modify DeFrees to include such a limitation.

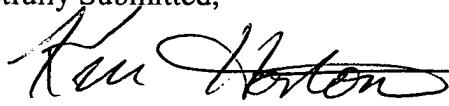
Thus, the Office has not substantiated that the skilled artisan would have considered claims 2-3 and 8-9 obvious over the combined teachings of the cited references as suggested by the Office. Accordingly, Applicant requests withdrawal of this rejection.

CONCLUSION

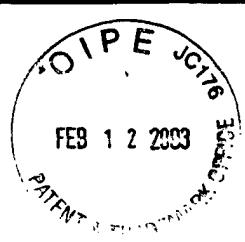
For the above reasons, Applicant respectfully requests the Office to withdraw these grounds of rejection and allow the amended claims.

If there is any fee due in connection with the filing of this Amendment, including a fee for any extension of time not accounted for above, please charge the fee to our Deposit Account No. 18-0013.

Respectfully Submitted,

By 
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Reg. No. 39,481

Date: February 6, 2003



APPENDIX A: AMENDMENT TO THE CLAIMS

1. (Amended) A system for producing and treating starch-based potato process water, comprising:

means for producing starch-based potato process water; and

means for treating the potato process water comprising at least one ultrafilter in series with at least one reverse osmosis membrane.

7. (Amended) A system for producing and treating potato process water, comprising:

means for producing starch-based potato process water; and

means for treating the potato process water comprising at least one ultrafilter comprising an inorganic material [;] and at least one reverse osmosis membrane comprising a high-temperature material.

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